

**CITY OF MORGAN HILL  
JOINT REGULAR CITY COUNCIL AND  
REGULAR REDEVELOPMENT AGENCY MEETING  
MINUTES – MAY 23, 2007**

**CALL TO ORDER**

Mayor/Chairman Tate called the meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Sellers, and Mayor/Chairman Tate  
Late: Council/Agency Member Lee (arrived at 7:25 p.m.)

**DECLARATION OF POSTING OF AGENDA**

Municipal Services Assistant Rice certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

**RECOGNITIONS**

**CITY COUNCIL REPORT**

Mayor Tate reported that he is a member of the Library Joint Powers Authority for the County of Santa Clara. He announced the opening of the new library on Saturday, July 21, 2007; however on Sunday, July 22 and Monday, July 23 the library will be closed due to funding. He indicated that the Library Joint Powers Authority does not have funds to keep the library open seven days a week, and has limited hours on some of the days it is open. At the last Library Joint Powers Authority meeting, he brought to their attention that Morgan Hill residents will be asking why the library was built if it will be closed. Due to his comments, he was appointed to chair a subcommittee that will investigate whether there are ways to fund additional library hours. He stated that some communities fund additional library hours from the general fund; however, the City of Morgan Hill does not have general fund monies to supplement additional library hours. He said that communities are interested in additional library hours, and that it will be a focus of the Library Joint Powers Authority to find a way to achieve extended hours.

Mayor Tate also commented on the Council's annual budget workshop held last Friday, May 18, 2007. He stated that the budget workshop is a study session held by the Council to understand the budget, in depth, and the opportunity to have questions answered. He felt that this was the best 5 hour civics session where you can gain in depth knowledge about how city government operates, and insight into the political side based on the questions asked by the Council. He indicated that staff did a great job in addressing their respective budgets and that every question was answered. The Director of the Chamber of Commerce and a Morgan Hill Times reporter were also in attendance for a couple of hours; however; no other members from the public were in attendance. He takes the fact that there were no members of

the public in attendance as an acknowledgement that the public believes the Council is doing an outstanding job, and that no oversight is needed. He announced that a public hearing will be held on the Fiscal Year 2007-08 budget on Wednesday, June 6, 2007, and invited individuals wishing to comment on the direction the Council has set on the City budget to attend the public hearing. He complimented, and thanked City Manager Tewes and City staff for an outstanding day/job in presenting the budget.

### **CITY COUNCIL COMMITTEE REPORTS**

None presented.

### **CITY MANAGER REPORT**

City Manager Tewes highlighted two items on the Consent Calendar: *Item 2* – A request for approval of a Final Tract Map for the Rose Garden project, Phase I. He informed the Council that the applicant has requested that this item be postponed. He stated that once the Council takes action, the project proponent has a duty, within 10 days, to take further steps. The applicant is not prepared to take these steps; therefore, the applicant is requesting that this item be continued. *Items 4 and 11* – April 2007 Finance & Investment Reports. He stated that each month, staff reports to the City Council on the financial performance of the City's funds; including the Redevelopment Agency's enterprise and general funds. He indicated that all data in the Monthly report are consistent with the forecast and in the planning brought to the Council at its retreat. He pointed out that the financial management effort monitors the budget and the City's financial situation throughout the year.

### **CITY ATTORNEY REPORT**

City Attorney Kern stated that she did not have a report to present this evening.

### **OTHER REPORTS**

None presented.

### **PUBLIC COMMENT**

Mayor/Chairman Tate opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

## ***City Council and Redevelopment Agency Action***

### **ADOPTION OF AGENDA**

**Action:** *On a motion by Council/Agency Member Grzan and seconded by Council/Agency Member Sellers, the City Council/Agency Board, on a 4-0 vote with Council/Agency Member Lee absent, **Adopted** the Agenda as Posted.*

## ***City Council Action***

### **CONSENT CALENDAR:**

Council Member Grzan requested that item 6 be removed from the Consent Calendar.

**Action:**        *On a motion by Council Member Grzan and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Lee Absent, **Approved** Consent Calendar Items 1, 3-5 and 7-8 as follows:*

1.        **ACCEPTANCE OF DEPOT STREET RECONSTRUCTION PROJECT**

**Actions:** 1) **Accepted** as Complete the Depot Street Reconstruction Project in the Final Amount of \$2,973,729; and 2) **Directed** the City Clerk to File the Notice of Completion with the County Recorder's Office.

2.        **FINAL MAP APPROVAL FOR ROSE GARDEN PHASE I (TRACT 9880)**

**Actions:** This item was **removed** from the Consent Calendar at the applicant's request. **No action taken.**

3.        **FRIENDS OF THE MORGAN HILL LIBRARY ADDITIONAL ART PIECE**

**Action:** **Accepted** the Additional Art Piece as Requested by the Friends of the Morgan Hill Library for Inclusion in the New Library Building Project.

4.        **APRIL 2007 FINANCE & INVESTMENT REPORT - CITY**

**Action:** **Accepted** and **Filed** Report.

5.        **FINAL MAP APPROVAL FOR RANCHO DEL PUEBLO (TRACT 9887)**

**Actions:** 1) **Approved** the Final Map, Subdivision Agreement, and Improvement Plans; 2) **Authorized** the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and 3) **Authorized** the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.

7.        **RESOLUTION FOR CONSIDERATION BY THE SANTA CLARA VALLEY WATER DISTRICT WHEN THEY CONSIDER INCREASES TO THE GROUNDWATER REPLACEMENT CHARGE**

**Action:** **Adopted** Resolution No. 6098; Asking For Consideration By The Santa Clara Valley Water District (SCVWD) Board Of Directors Regarding The 2007-2008 Groundwater Replenishment Charge Hearing

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8. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR LUSAMERICA PHASE I & II**  
**Actions:** 1) **Adopted** Resolution No. 6099, Accepting the Public Improvements for Lusamerica Phase I & II; and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.
6. **ADJUST THE FISCAL YEAR 2006-2007 BUDGET TO APPROPRIATE FUNDS FOR POLICE PERSONNEL COSTS**

City Manager Tewes stated that this item corrects a budget error that was made approximately a year ago when staff presented the Fiscal Year 2006-07 budget. He indicated that staff did not properly account for the retirement and health/benefit costs in the Police Department, and that the appropriations ordinance adopted by the Council did not include the appropriate allocations. In all subsequent reporting, in forecasting, staff included the proper numbers. Staff is requesting formal adoption of the corrected appropriations in the Police Department, thus the purpose of agenda item 6.

Council Member Grzan noted that it has been explained that funding is included in this year's budget, and that the projections for this year's budget will remain unchanged.

**Action:** On a motion by Council Member Grzan and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Lee absent, **Appropriated** Funds to Ensure Adequate Budget for Police Personnel Costs: 1) 010.3210, Field Operations, \$263,996; and 2) 010.3245, Special Operations, \$74,461.

## ***City Council Action***

### **CONSENT CALENDAR:**

Mayor Pro Tempore Carr stated that he would be abstaining from voting on Consent Item Nos. 9 and 10 because he owns property within 500 feet of said agenda items.

**Action:** On a motion by Council Member Grzan and seconded by Council Member Sellers, the City Council, on a 3-0-1 vote with Mayor Pro Tempore Carr abstaining and Council Member Lee absent, **Approved** Consent Calendar Items 9-10, as follows:

9. **ADOPT ORDINANCE NO. 1836, NEW SERIES**  
**Action:** **Waived** the Reading, and **Adopted** Ordinance No. 1836, New Series, and **Declared** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PRECISE DEVELOPMENT PLAN AMENDMENT FOR THE 2.65 ACRE, 15 UNIT PROJECT LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF WRIGHT AVENUE AND HALE AVENUE TO ALLOW FOR THE ELIMINATION OF THE .27 ACRE PRIVATE PARK. (ZAA-05-16: WRIGHT-MANANA)**

**10. ADOPT ORDINANCE NO. 1837, NEW SERIES**

**Action:** *Waived the Reading, and Adopted Ordinance No. 1837, New Series, and Declared That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE APPROVED DEVELOPMENT AGREEMENT FOR APPLICATION, DAA-05-07: WRIGHT AVENUE-MANANA TO ALLOW FOR AN AMENDMENT TO PARAGRAPH 14 OF THE DEVELOPMENT AGREEMENT TO ELIMINATE THE PRIVATE PARK REQUIREMENT AND PROVIDE FOR PAYMENT OF PARK IN-LIEU FEES. (DAA-05-07: WRIGHT-MANANA)***

***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**Action:** *On a motion by Agency Member Grzan and seconded by Agency Member Sellers, the Redevelopment Agency Board, on a 4-0 vote with Agency Member Lee absent, Approved Consent Calendar Item 11 as follows:*

**11. APRIL 2007 FINANCE & INVESTMENT REPORT - RDA**

**Action:** Accepted and Filed Report.

***City Council and Redevelopment Agency Action***

**CONSENT CALENDAR:**

**Action:** *On a motion by Council/Agency Member Grzan and seconded by Council/Agency Member Sellers, the City Council/Agency Board, on a 4-0 vote with Council Member Lee absent, Approved Consent Calendar Items 12-14 as follows:*

**12. AWARD OF DEPOT STREET PARKING LOT AND JARVIS/SUTTER INTERSECTION PROJECT**

**Actions:** *1) Appropriated \$35,000 from Current Year RDA Fund to Project #542006, Depot Street Parking Lot Project; 2) Appropriated \$27,000 From Current Year Fund 342.8355.86360 and \$18,000 from Current Year Fund 346.8049.86360 to CIP Project #542006, Depot Street Parking Lot Project, to Fund the Jarvis/Sutter Intersection Project; 3) Awarded Contract to Manzo Construction for the Construction of the Depot Street Parking Lot and Jarvis/Sutter Intersection Project in the Amount of \$109,850; and 4) Authorized Expenditure of Construction Contingency Funds not to Exceed \$10,985.*

**13. JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 2, 2007**

**Action:** Approved as Submitted.

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**14. JOINT SPECIAL AND REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 16, 2007**

**Action:** *Approved as Submitted.*

## ***City Council Action***

### **PUBLIC HEARINGS:**

**15. AMENDMENTS TO POTENTIALLY DANGEROUS DOG Ordinance No. 1838, New Series**

Chief of Police Cumming stated that this item was last discussed on January 17, 2007 as a result of a number of issues related to animal attacks and dangerous dogs in the community. He stated that a group of citizens attended the Public Safety and Community Services Committee meeting with their concerns, and presented recommendations. He indicated that the Committee discussed this item in length, and that this item was brought back to the Council on January 17, 2007. At that time, the Council directed he and the City Attorney to return with an ordinance that reflects some of the changes discussed. He indicated that staff has returned to the Council with an ordinance that outlines the changes recommended by the Council, and walked the Council through the changes. He indicated that there are certain levels of dog behavior: Level 1, Level 2, and Level 3 (most serious). He stated that the ordinance would make the opportunity to euthanize an aggressive or dangerous animal at a slightly lower threshold. He informed the Council that the ordinance, as it reads today, stipulates that a dog has to kill a person or domestic animal before being euthanized. However, there have been certain cases where dogs have attacked individuals; injuring them severely. He informed the Council that the proposed ordinance would classify a dog at level 3 if the dog attacks and seriously injures a domestic animal. When a dog is classified at a level 3, proper hearings would be held prior to euthanizing the animal. Other ordinance changes would codify informal actions: 1) owners of Level 2 dogs may petition to remove the dog from Level 2 after 3 years; 2) require owners of dangerous dogs of Levels 1 and 2 to attend an obedience class; 3) allows animals to be off leash at the Dog Park; 4) would be unlawful to allow a dog to bite a domestic animal or human; 5) dogs at Level 1, 2 and 3 will require permits with a few exceptions; 6) allows the permit process to be more formalized, including specific rules for appeals and an opportunity to terminate the requirement to be permitted after a period of time; and 7) prohibits a convicted felon from possessing a dog that poses a threat to the public.

Council Member Grzan inquired whether staff had the opportunity to take a look at increasing penalties for dog owners who fail to contain/leash their dogs, or did staff believe the current ordinance is sufficient.

Chief of Police Cumming responded that as part of the new ordinance, many of the violations will be misdemeanors which require higher penalties as opposed to infractions. He indicated that failing to contain/leash dogs could include higher fines and/or jail time.

Council Member Grzan inquired what steps would be taken to notify/alert the community that the City has strengthened the ordinance, and that there would be stiffer penalties for violations.

Chief of Police Cumming responded that staff would notify the public, through the media, that changes have occurred. It was his belief that the changes would appear on the City's website, and be announced through the City Connections Newsletter.

Council Member Grzan felt that it would be important for staff to announce/inform the public of the new permitting process, and that there are new rules and regulations, on a continuous basis. Doing so would be a proactive approach to let citizens know that animal control is the responsibility of the pet owners, and that there are penalties should the dog owner fail to fulfill their responsibilities.

Mayor Tate opened the public hearing.

Bert Berson informed the Council that his dog was mauled by two pit bulls a few years ago. He stated that he likes the proposed ordinance as it is a step forward, and would give the animal control officers tools not currently in place. He referred to the regulations contained in paragraph A that states "...and may require the owner or person having a right to control the dog, to attend an obedience class with the dog." He stated that he does not believe this was an obedience issue, but a temperament issue. Therefore, he felt that some other type of class or school needs to be required. He recommended that the Council approve the ordinance, and that he would identify the appropriate class to be taken at a later date.

Daphne Robert-Hamilton stated that she concurs with the changes as proposed in the ordinance as it would improve safety in the community. She said that there was a slight issue with the language associated with a dog obedience class as mentioned by Mr. Berson. She did not believe this was an obedience matter, but a temperament and disposition issue. She addressed a specialized class for dogs that are court mandated in the State of Colorado. This class teaches dog owners management for safety and how to improve the dog so they do not become repeat offenders, or become a dangerous issue for the community. She recommended a specialized class for dogs who are reactive or have aggression toward people/animal versus obedience training. She informed the Council that she specializes in dog aggression, and that she teaches difficult dog classes for dogs that are reactive in the San Martin area.

No further comments being offered, the public hearing was closed.

Council Member Grzan stated that he supports the proposed changes as recommended by members of the public. He inquired how these amendments could be incorporated into the ordinance in order to give the City flexibility in the types of classes that may be required, as opposed to behavior training.

City Attorney Kern noted that the speakers have suggested that they would return to the City with suggested language which may mean the possibility of returning to the Council with further amendments to the ordinance. As an alternative, the Council could amend sections contained in the proposed ordinance that would state: "... the dog to attend dog obedience, behavior modification classes, or another class deemed appropriate by the administrator."

Council Member Grzan felt that the inclusion of “another class deemed appropriate by the administrator” gives the administrator the flexibility to conduct an assessment. It was his belief that by including this language, it would address the concerns of the speakers and would make it a good ordinance.

Council Member Sellers stated that he was not inclined to rewrite ordinances from the Dais, as a rule, but felt that this was a reasonable modification as it gives latitude to make the changes the speakers were hoping to make. He indicated that Mr. Berson took a traumatic situation for he and his family and turned it into something that will hopefully prevent similar incidents. He applauded Mr. Berson for bringing this matter to the City’s attention.

**Action:**        *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council unanimously (5-0) **Waived** the Reading in Full of Ordinance No. 1838, New Series.*

**Action:**        *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council **Introduced** Ordinance No. 1838, New Series, by Title Only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, AMENDING CHAPTER 1.24 OF TITLE 1; AND AMENDING VARIOUS CHAPTERS [6.08.020, 6.08.030, 6.12.180 THROUGH 6.12.200, 6.24.030, 6.24.035, 6.28.010, 6.28.040, 6.32.080] OF TITLE 6; AND ADDING VARIOUS CHAPTERS [6.28.025, 6.28.035, AND 6.28.070 THROUGH 6.28.140] TO TITLE 6 AND DELETING CHAPTER 6.24.085 OF TITLE 6 OF THE MORGAN HILL MUNICIPAL CODE REGARDING POTENTIALLY DANGEROUS DOGS AND DANGEROUS AND VICIOUS ANIMALS; amending Sections 6.12.200.A. and 6.12.200.B.6 to add the following“...and may require the owner or person having a right to control the dog to attend dog obedience, or such other class as may be determined appropriate by the administrator, with the dog” by the following roll call vote: AYES: Carr, Grzan, Lee, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.***

## ***City Council Action***

### **OTHER BUSINESS:**

#### **16.    GROUP HOMES**

Mayor Tate stated that he requested this item be agendaized because the Council has received a lot of input from Madrone area residents about two group homes being proposed in their neighborhood under the public comment portion of the agenda. The City Attorney also presented a comprehensive report, at a previous meeting, stating that cities are excluded from taking any action, but to treat these types of facilities as normal/typical residences. He stated that the Council has not had a chance to discuss any options, or what it would like to do. He said that Council members have been talking to the Madrone residents, and that he spoke to the neighbors on Monday, in preparation for this meeting. He felt that it would be important for the Council to have a discussion so that it can give consistent answers, and have



a consistent approach. Further, should the Council decide to take action(s), the Council is to agree on what this action(s) would be. He clarified that the primary reason he requested this item be agendaized is so that the Council can do what it can, within the confines of the parameters given by the state, and that it was not to receive additional input as the Council already received a lot of input and understands the situation well. He recommended that the City Manager provide recent updates in terms of dealing with the City's representation at the State level. The Council is to hear from the non profit agency implementers of the plan for group homes; treating their presentation as a staff report. The non profit agency is to explain the process, where they are in the process, and what they can/cannot do as part of this process. The item will then be opened up to public comment; requesting that this be done in a unified voice.

City Manager Tewes stated that he had the opportunity to speak with Mr. Craig O'Donnell, Field Representative for Assembly Member John Laird today. He stated that Mr. O'Donnell indicated that Assembly Member Laird has had the opportunity to hear the concerns of the neighbors, and that he is concerned about two aspects: 1) Have the two proposed group homes in Morgan Hill been licensed and been allowed to move forward by the State department? 2) The belief that the success of the overall program would require facilities to be good neighbors. Assembly Member Laird would be seeking assurances from the state agency that these group homes would be good neighbors in Morgan Hill. Toward this end, Assemblyman Laird indicated that he had some informal representations that the answers to his questions were positive, but that he wanted to make sure that all issues raised to his office have been conveyed to the appropriate State Agency. He indicated that Assemblyman Laird would be asking for a formal written response to these two concerns. Further, Mr. O'Donnell indicated to him that Assemblyman Laird would be writing to the State, and that it would be his intention to inform the neighbors who have been in contact with his office of this action, and share the results when they become available.

Santi Rogers, Executive Director for the San Andreas Regional Center, referred to a packet of information that was distributed to the City Council describing what regional centers are about. He thanked City Manager Tewes and City Attorney Kern for spending time with them yesterday on what is a complicated process as it relates to the legal parameters. He requested the Council think in terms of the relationship of the plan to close Agnews Developmental Center, one of the five remaining developmental centers in California, and to distinguish them from State hospitals/mental health facilities. He stated that Assemblyman Laird is in communication with Ms. Delgadillo, Director of the State Department of Developmental Services that now services over 210,000 individuals with developmental disabilities in California. He indicated that developmental disability, as defined in California, are persons with autism, mental retardation, epilepsy, cerebral palsy, and any other handicap dispositions that occurs before your 18<sup>th</sup> birthday. This includes individuals who are at risk of any of these conditions.

Mr. Rogers informed the Council that the San Andreas Regional Center is a private non profit corporation, and was incorporated initially as the Loma Prieta Regional Center that services the Counties of Santa Clara, Monterey, Santa Cruz, and San Benito. The other 54 counties are served by 20 other regional centers. He indicated that there are 7 regional centers alone in Los Angeles county. These regional centers were established to be a comprehensive case management, 24-hours-365 days per year, case service management service for the eligible clientele mentioned.

Mr. Rogers introduced Suzanne Cagle, project coordinator; and Kris McCann, Executive Director for the Bay Area Housing Corporation. He indicated that the three Regional Centers (San Andreas, East Bay and Golden Gate) are a part of the closure plan that was created to facilitate the movement of individuals from the Agnews Developmental Center (Agnews). He stated that when this process started, there were 420 individuals at Agnews. Today, there are approximately 239 individuals. He stated that the plan and its implementation are in the final stages; and that Agnews' planned closure date has been set for June 30, 2008. He informed the Council that the Regional Center and its Board feel strongly that no one will move until they are ready to be moved.

Mr. Rogers also introduced Eileen Richey, Assistant Director of the Department of Developmental Services, who has the responsibility of coordinating/implementing the Plan. Also, in attendance is Dave Dodds, consultant to the Bay Area Housing Plan; Carol Marcroff, licensing manager for the State Department of Social Services Licensing; Marty Oaks, Executive Director of Hallmark Communities; Jennifer Richart; Steve Johnson, President of Vast Horizons; and Darcy McCann, board member. He informed the Council that there is a 16-member board, and that the board membership is reflective of the individuals served in the geographic area.

Mr. Rogers stated that the utilization of state developmental centers has been a hot topic. He addressed the history of the services associated with developmental disabilities from the beginning of the Lanterman Developmental Disability Services Act, and the subsequent amendment to the Act. He indicated that when the Act was initially passed in 1969, and that it focused on individuals with mental retardation. It was amended three years later to include three other categories of services because families started to identify the possibility of full service coordination/case management at a local, easily accessible service entity called a regional center to benefit their sons and daughters. The Act has had a rich history and continues to enjoy support of the legislature. He stated that the Utilization of State Developmental Centers has been a key issue before the state legislature, intermittently, over the intervening years; noting that there are five state developmental centers; one closing in 2008. In the last 10-15 years, the State has closed two other developmental centers. When the Stockton and the Camarillo development centers closed, they moved the majority of the individuals to another developmental center. He stated that this project, from its inception, made the assumption not to move individuals to another developmental center, but to move individuals to a community-based facility. As a result, there were multiple pieces of legislation that preceded the implementation of the Plan that helped make the Plan work. He informed the Council that the Bay Area Housing Plan is a result of AB 2100. He stated that Senate Bill 962 is relevant to what is before the Council this evening as it created a pilot project to establish new service for individuals with enduring health conditions. He indicated that this bill will be capped to 120 individuals until after a review is held by 2010. Whether or not this model has continuation assumption will be considered.

Mr. Rogers stated that group homes have been purchased, and that they are in the process of finalizing the remodel of the homes with two of the homes being Senate Bill 962 homes. He informed the Council that all of the items relative to Agnews are closed items, will not be in the Conference Committee, and will move to the Governor's desk outside of the Conference Committee.

Council Member Lee noted that the site selection checklist has been made available for the Ginger Way and Taylor Avenue group homes. In looking at some of the answers to the questions contained in the site selection checklist, she had questions for those with no responses. It was her belief that the residents are questioning some of the answers listed in the criteria.

Mr. Rogers informed the Council that the site selection checklist is a document they created, and that it is a working document. He clarified that this is not a “do” or “fail” checklist. There are elements contained in the checklist that are used to evaluate and compare hundreds of properties, initially, across nine counties. The checklist is one instrument used to look at the different moving parts in the process. He clarified that one of their biggest issues is their assessment of the community, and that the checklist itself is not an evaluation of the community.

Council Member Lee noted that the first criteria contained in the checklist is the neighborhood characteristics where seven points are possible. In looking at the points for the Ginger Way and Taylor Avenue homes, she would only apply points to three answers. She noted this is a mixed use neighborhood that includes industrial uses; including a garage, nursery and other uses. The checklist asks if there are other nearby safety hazards such as a freeway or heavily traveled streets. She noted that Monterey Road is a heavily traveled arterial street, and that there are several nursery trucks that use Peebles Avenue. She expressed concern with the extent to which the questions were looked into, and how they were answered. She indicated that the Council was given other addresses in town; one group home facility being proposed on West Dunne Avenue; a busy street in Morgan Hill that has no sidewalk in front of it and has a steep driveway. In hearing the type of residents that would be living in these homes, she felt that it would be difficult for them to use.

Mr. Rogers clarified that his agency was looking at the total aspect of the community. Overall, Taylor Avenue and Ginger Way met their objectives for providing services. He informed the Council that the individuals who would be residing in the Dunne Avenue home would be ambulatory individuals and that they will be well supervised. He said that his agency looked at where the Dunne Avenue home was located, and determined that there was value added to its use as a good home for the individuals who would reside in the group home. He acknowledged that a sidewalk does not exist on Dunne Avenue, and that this will always be a concern. However, they understand that individuals will be well supervised; providing the same kind of transportation the current owners and others are using at this time. He stated that they would take all of these safety risks into consideration as they like the homes and the community.

In response to Council Member Lee’s question about medical and emergency services being provided by St. Louise Hospital/facility, Mr. Rogers clarified that this was an incorrect statement. He acknowledged that it is farther to get to the Santa Teresa facilities, and that many of the medical issues the Council wants addressed can be addressed (e.g., medical support, transporting to medical facilities/services, etc.).

Council Member Lee expressed concern that the information contained in the site selection criteria is inaccurate information regarding St. Louise. She has questions regarding neighborhood characteristics where it was stated they are subjective.

Mr. Rogers clarified that the checklist is a working document released to the Council. The checklist is not a conclusionary document on the overall disposition of how they will make their final decision. He indicated that working documents may contain inaccuracies. He stated that this has been a complicated process, and that there have been several questions raised. He indicated that there are other criteria that are considered beyond what is contained in the checklist/report. He said that some of the information is discussion items relative to the location of the property, and any other aspects of the real estate itself. He did not believe there were any unreasonable questions. He said that these particular decisions are related to the individuals' needs/health plans that are part of the planning process. He indicated that this is a complicated explanation as the individual program plan is a specific plan of what is being agreed upon, and an individual will receive, in contract. Companion to this, is an individual health plan for those individuals moving into the SB 962 homes. Therefore, every property and every decision is customized; including the minimum amount of staffing to be provided. To be determined is whether specialized staffing will be required, and this decision is driven by the individual plan.

In response to Council Member Grzan's question, Mr. Rogers stated that the document before the Council is his Agency's document, and is not a state document or a legal document that requires the agency to comply with. The document is an overview of the process in making a final decision, and contributes to what the Agency is doing in viewing perspective homes. It is a part of the larger process which has no legal bearing, but gives the agency insight into the final selection.

Mayor Pro Tempore Carr referred to the line that states "A minimum of 5 points are required to qualify." This clearly states to him that if the site does not receive 5 points, there is no point in answering the remaining questions contained in the checklist. He suggested that this line be removed from the document if it is the Agency's document. He inquired as to the population of the region served by San Andreas.

Mr. Rogers informed the Council that San Andreas currently services 11,500 individuals in Santa Clara, Santa Cruz, Monterey, and San Benito Counties. He indicated that Santa Clara County is approaching 9,000 individuals being served, and that this number is increasing. He said that there are more and more families locating in the geographic areas of Santa Clara; many families having youngsters with autism. There are over 200 families in the immediate area, and that these families have brought their agency to Morgan Hill. There are 180 of these families residing within this area and the metropolitan area in natural homes, and that this number is increasing as more families move into the area. He clarified that each of the homes in Morgan Hill are adult care facilities and that every resident will be over 18 years old. Further, one of the homes would be a home for senior citizens. He informed the Council that San Andreas currently employs approximately 155 service coordinators (case managers/social workers). He informed the Council that this project has its own allocation, specific to a smaller case load versus a general case load at Agnews. Each home would be assigned a special case manager and coordinator/liaison. Each of the homes will have a level of review by the Department of Social Services Licensing by the overall closure plan review process, and by the quality assurance review process. He stated that the legislature has approved the project, and that the legislative budget committee has approved all the housing dollars, within the limits. He indicated that there has been a great deal of scrutiny, and that there will be even more scrutiny upon implementation and subsequent review.

In response to Mayor Pro Tempore Carr's question, Mr. Rogers indicated that SB 962 does not dictate a selection process. He indicated that Senator Chesboro, who is now termed out of the legislature, has always been passionate towards the population of individuals with developmental disabilities. He indicated that this is the 40<sup>th</sup> year in service and that it is the first time he has seen, in statute, the specifics of what will be done with this particular delivery of services versus regulations. Therefore, funding followed this rationale.

Council Member Grzan indicated that he has some experience with social service programs, and that over the years he has seen case management to be a rigorous approach toward working with a client. He requested that Mr. Rogers elaborate on the types of supervision, care, services, programs, etc., that will be provided to residents.

Mr. Rogers stated that as part of the Lanterman Developmental Disability Services Act, the avenue of real service was case management. He indicated that there are no other social service programs designed with this much intense case management. He said that the case managers oversee every aspect of the individuals' plans. He indicated that individual plans have statutory obligations. The Plan is a contract between the Agency and the parent and/or the individual. When there is a disagreement on the Plan for purchase of service, it goes through a due process. The due process moves to a separate administrative review process. For items that are approved, the services are immediately purchased. He informed the Council that the case load ratio was reduced to ensure the project's success.

Mr. Rogers informed the Council that the pilot aspect of SB 962 is a special residential model for individuals with enduring health issues. SB 962 was created to fill the gap in some of the other services provided. He said that there is an agreement with the Department of Health Services with the State Department of Developmental Services. This agreement allowed social services to take the lead in order to create a homelike environment rather than create a health facility environment. He felt that this was a big step. This allowed the quality of maintenance for individual's needs to be built into the service. He indicated that this is a pilot service with a particular time for review to determine how the service is going, and whether it should be expanded. It was his belief that this is what the Senator was interested in when he created legislation. He stated that it was his expectation that this program will be successful as there is more than adequate funding. He indicated that the first group home opened in San Bruno, and that two others would be opened in this geographic area; for a total of 24 SB 962 group homes across 9 counties.

Council Member Lee noted that Mr. Rogers has indicated that this is a well funded pilot program that has a specified length of time to be reevaluated.

Mr. Rogers stated that the commitment to those individuals participating in the pilot program would continue. He clarified that the legislation included a sunset to require an evaluation report to return to the legislature to look at a policy/budget interpretation. To be evaluated is what worked well, and what did not work well. It was his assumption that this program will be successful. He noted that if you look at the actual numbers, these are one of the most expensive per person avenue of service.

Council Member Lee inquired as to the action to be taken by the legislature should it be determined that the program does not work.

Mr. Rogers stated that it was his hope the Council would have confidence in the program; thus, the reason you build in an evaluation process from the beginning. The evaluation would continue all the way through the program. He indicated that there is a quality management system attached to the overall planning process and that it will look at all services. The Department of Social Services will be reviewing the program continuously through its lifespan.

Council Member Sellers felt that it was laudable that the Agency has this level of case management and this level of accountability. He felt that this would provide a level of assurance to parents and individuals who would be residing in the group facilities. The challenge for the agency is that this is a new model/opportunity. He requested that Mr. Rogers address accountability and how it relates to expanding into a neighborhood. He inquired who would address area residents' concerns, and the process to accommodate concerns. He stated that his biggest concerns are for the individuals who will be residing in the facilities to ensure that they have an appropriate neighborhood/area to reside. He also wanted to know how the City can tie into the accountability process.

Mr. Rogers stated that they would not be before the Council this evening if everyone was satisfied with what was stated, and had a true trust been developed. It was his belief the agency has not achieved these yet. He noted that in attendance this evening was the president of the private, not for profit agency. He said that staff will be the key part to the success of this program. Managers of the homes will be a part of the community, and that they are the first point of contact/responder. He indicated that individuals can call San Andreas Regional Center and receive various degrees of responses. The Department of Social Services Licensing is a part of the review and response process. He has great expectations that Vast Horizons will have a community complaint process in place as part of their licensing requirement. He said that this community will be actively involved with their neighbors, and will know how to access Vast Horizons. He said that there is a response cost for performing; a part of the process to acquiring and retaining a license. The Regional Center will review all of these because there is another statute that looks at the program aspects as part of the licensing process. He said that there are individuals raising policy issues relative to the Lanterman Act. This is a separate level removed from them. He indicated that the Regional Center is a private not for profit agency that has specific responsibilities under Title 17. He indicated that their agency will be concerned about establishing a relationship. Just as the community is concerned about coming into the community, they are as concerned about everyone in the community.

Eileen Richey, State Department of Developmental Services, indicated that she would address the post placement process as there are questions associated with monitoring beyond the role of the case manager. She stated that there are other entities that play a significant role in monitoring the successful placement of individuals with developmental disabilities into a particular home. She informed the Council that the State of California currently has approximately 53,500 individuals living in either licensed or unlicensed community placements other than their natural homes. She stated that there are a variety of post placement procedures in place to monitor the success of an individual's transition into the community and to ensure that it is a successful one. She addressed the Regional Center's role. She said that in the post placement process, the Department of Developmental Services, through the Regional Project, provides follow up to ensure that an individual is successfully transitioned in the home placed in 5 days, 30 days, 6 months and 12 month intervals after the individual has moved. In addition to this, the

Regional Center conducts face to face visits every 30 days for the first 90 days after an individual has moved. Further, there is a reduced case load ratio for the Regional Center case managers of 1-45 individuals for the first two years after an individual has been placed into a community. She stated that 4 individuals who reside in SB 962 homes have a physician who visits them, and assesses their health/how they are doing every 60 days, as required by statute.

Dave Dodds informed the Council that he is the consultant to the Bay Area Housing Plan, a community care facilities. Before his retirement and coming back to work, he was the Deputy Director of Community Care Licensing for the State of California; being with this organization for approximately 30 years. Therefore, he understands community care facilities in California; noting that there are approximately 85,000 facilities with approximately 1,200 employees. The staffing level is smaller now than it used to be due to budget cuts. He addressed the two community care facilities: a residential care facility for the elderly and an SB 962 home, a pilot model licensed as a community care facility. He stated that he came out of retirement because he spent a lot of time watching licensed care facilities in California being taken away because there were not enough case management systems in place. This was not normally true of the developmentally disabled system because it has been the classic case management system in California for many years.

Mr. Dodds said that it may be that with the implementation of Proposition 63, we will see mental care grow and get better. It was his belief that we will see housing arrangements around this Proposition as well. He said that probationary, child welfare services, and group homes can be problematic at times. However, there is a strong licensing program in California that works. What will take place with group homes is a regulatory enforcement program that looks at a home closely. With this model, the service provider does not own the home. If they do not provide good service or are good neighbors, the provider leaves, but the consumer stays. He felt that this is a revolutionary aspect about this process. He stated that there is no public notification process required for group homes of six individuals or less, and has not been in place since the community care facilities Act was created in the 1970s. There is a notification process in place for SB 962 homes because a community care facility cannot be closer than 300 feet from another community care facility. In the Taylor-Ginger Way situation, one home will be a residential care facility for the elderly, and is not technically considered a community care facility. The other home will be an SB 962 group home, and will be a community care facility. He concurred that the process is not a perfect one, at this time, in terms of the selection criteria. He also agreed with the recommendation that the form needs to be changed as it may be misleading; however, he noted that the form was an internal document.

Mr. Dodds indicated that they met with the neighbors and talked about the site selection process, and that the neighbors requested a copy of the checklist. He noted that this is not a state form or a legal document. The checklist is considered a decision making document, and that it appears to be a more powerful instrument than it is. The neighbors were provided with a copy of the checklist for the Taylor-Ginger Way homes. It was his understanding that the neighbors have not been provided with the selection criteria for the other two group homes; indicating that it is not a State decision that area residents be provided with copies of the forms. The only difference is that the Community Care Facilities Act exempts the homes from zoning controls, and that they are not treated any differently from the rest of the neighborhood. He noted that none of the other individuals in the neighborhood are subject

to local zoning control, or have to ask permission to reside in the neighborhood. It is the concept that the individuals are viewed to reside in their own homes. They live differently because they cannot live alone and need support. He stated that these individuals have the right to live where they want, and that it was his belief that this is the operation of the law as he understands it. He said that there is a form of oversight and that the neighbors have many places to go to complain. They can complain to the Regional Center, and/or the licensing agency; indicating that these agencies have a mandate to respond within 10 days once a complaint is received. Residents can also contact the Department of Developmental Services or other agencies.

Mayor Tate indicated that he heard that just because the two homes were adjacent to each other, it is, in itself, a pilot program.

Mr. Rogers clarified that the two homes adjacent to each other are not considered a pilot project. He reiterated that these are two separate homes: one being a senior citizen home and the other an SB 962 home. Because of the compatibility and the fact that the services are to be provided by the same agency, they saw placing the two homes in the Madrone area as a good decision. He informed the Council that there are few homes that are adjacent to each other throughout the geographic area; indicating that they would prefer to locate group homes adjacent to each other.

Mayor Tate opened the floor to public comment.

Stephanie Reinhardt thanked the Council for placing the discussion of group homes on its agenda. She indicated that at the beginning, the neighborhood did not know what it was getting, and that they were forced to seek answers themselves. However, through this process, the neighborhood has now become advocates. She clarified that this was not about who was living in the neighborhoods, noting that this is a diverse neighborhood with a blend of many different cultures/individuals with special needs. She indicated that the neighborhood embraces everyone. She stated that this matter is about agencies who have lied, misrepresented, and/or who have not been forthcoming with information. She understands that there are restrictions placed upon the City with respect to permitting, regulating, and overseeing these facilities when they are established within policies and are abiding all laws. However, she did not believe this was done in this case. It was her belief that the principal agencies, and the non profit organizations represented this evening, have lied, misrepresented, and have falsified documents needed to obtain facilities in order to further their own business plan. She felt that this was done with no regard for the safety and welfare of the individuals they claim to protect. Due to possible fraudulent actions on the part of the agencies involved, the neighbors request the Council exercise its influence on the state legislature and any other state agency that can initiate an investigation and/or conduct an audit into the approval and acquisition of these facilities. She stated that the neighborhood is concerned that there is no independent oversight for the approval and acquisition of the homes. Instead, it is felt that there is a conflict of interest amongst the involved agencies and the non profit organizations as they will all be beneficiaries of these facilities, monetarily. She felt that the process lacks checks/balances, there is no oversight, or opportunity for public scrutiny. She stated that this is a matter of integrity, honesty, and open government, and is not about who will reside in the homes. The matter is about how the homes were approved, purchased, and how they are to be managed. She did not believe the agencies involved have showed any honesty and/or integrity. She felt that the agencies have closed ranks and rebuked



public inquiries. She said that the neighborhood is concerned that these agencies will continue their pattern of dishonesty, lack of integrity, and disregard for public inquiry of the individuals placed in their care. She informed the Council that the citizens of Morgan Hill will not go away until they are satisfied that the individuals are given the care they deserve and were promised.

Council Member Grzan noted that Ms. Rhinehardt has indicated that there is fraud, and requested that she be more specific about this statement.

Ms. Reinhardt said that even though the Department of Developmental Services and the Regional Center wants the Council to believe the document has no value, she felt the document has a purpose. The document states that there has to be minimum of 7 points in order to qualify for funds to be released from the State that were entrusted in a taxpayer bond. She felt that this case is similar to an individual who applies for a home loan. An individual fills out the loan application, and includes information. The bank reviews the information and believes the information is credible and funds the loan. In this particular case, it was her belief that the information on the document that supposedly has no value was funded by the State with almost \$2 million of taxpayers' money. She felt that the agency has a fiduciary responsibility to the citizens and the taxpayers as well as the individuals they are supposed to be housing/caring for.

Brian Sullivan thanked the City Attorney for her work, research, and for compiling the report presented to the Council as it provides an excellent resource for everyone. He felt that the two group home facilities, the two other group homes purchased in Morgan Hill, those in existence, and those coming to Morgan Hill will impact the quality of life of every resident. He noted that the City receives no funding to support city services for these facilities as they are tax exempt facilities, and legally exempt from any city authority. He referred to the League of California Cities' legal notes, and requested that the City review its codes and ordinances in order to ensure that Morgan Hill has every legal right, currently allowed by law; involving the establishment, licensing, and oversight of these facilities. Further, that all residents receive maximum, legal protection against injustices. He encouraged the Council to work with other cities, through the League of California Cities and any other organizations that represent the rights of cities and their residents. He further recommended the drafting of a City Bill of Rights in order to ensure a role in the location, oversight, and licensing of adult residential facilities for persons with special needs, and those protected under the Lanterman Act passed in 1969. He requested cooperation with the residents in the cities who are ready to fight for review and revision of these laws. He noted that it has been special interest groups who have drafted and lobbied to enact this legislation to date, negating the rest of the world. He felt that it was time for city governments and community residents to stand up and demand change. It was time that this entire issue be addressed in today's reality and terms.

Mr. Sullivan stated that there needs to be cooperation in the development of neighborhood plans with cities that include populations with special care needs. It was his belief that criteria can be developed that will affectively set standards to make this a successful partnership. He felt that this issue is all about money. He acknowledged that everyone cares for those with special care needs, and are empathetic to the individuals to be housed in these facilities. He felt that at the end, it is those who profit who make the laws that enable these financially irresponsible business practices to be conducted in the name of altruism. He informed the Council that the residents question the judgment decisions made in terms of

location, cost of home purchase, and the cost to retrofit the two homes. Residents believe that money has been squandered and a free hand given because more money can be made. He felt that there were many things on the surface of these deals that raise alarming questions on how the agencies can get away with it. It was his belief that the system was set up to make the residents appear to be the bad guys because they are questioning the use; making it all about discrimination. He clarified that this is not about discrimination, but about equity for all citizens. He said that the residents are turning a critical taxpayers' eye to bad legislation and business practices; indicating that the residents will not go away.

Council Member Grzan noted that Mr. Sullivan indicated that it was his belief that these homes will have an impact on the quality of life for every resident in Morgan Hill. He requested specificity regarding this statement.

Mr. Sullivan stated that there will be a large number of residents, as well as caregivers, in these facilities. There will also be a large number of vehicles coming into the neighborhood; noting that there are many children who reside in the neighborhood that will need to be watched more closely due to the number of vehicles coming in and out of the neighborhood at all hours of the day and night. There will be some impact from the noise level from the generator that needs to be operated every 10 days to make sure it is operable. There may be some impact associated with hazardous material due to the nature of the residents in the facility. It was his belief there could be a number of different impacts to the neighbors that they are not accustomed to. He did not know where the residents of the facility would go when they go outside to get fresh air. Will they go into the neighborhood? Will they go down Peebles Avenue to Monterey Road? How will they get to the store? He noted that there is very little bus service in the area. He felt that there were lots of issues on both sides of the coin.

Council Member Grzan inquired whether Mr. Sullivan believes that the quality of life would be impacted if these were not group homes, but a homeowner/family with the same type of disability(ies).

Mr. Sullivan did not believe that the quality of life would be impacted to the degree of having two homes with nine different individuals residing in the facility.

Bud O'Hare informed the Council that he is in attendance as a parent of one of the clients that may be placed in one of these group homes. Therefore, he was speaking for his son who has been at Agnews for approximately 35 years. He stated that his son did not choose to leave the Agnews facility and move into this neighborhood. His son has to move because the Agnews facility is being closed. Regardless of the other legal issues that his son cannot answer or control, he will do his best to be a good neighbor and to take care of the issues raised by the residents, in terms of traffic, etc., as he understands that these are legitimate concerns. He stated that they plan to work with the residents to be good neighbors.

Molly Edgar, a Morgan Hill resident since 1981, Bud O'Hare's daughter, and Brandon O'Hare's sister, concurred with the comments expressed by her father. She stated that they love this community as much as the Taylor residents and the City Council. She concurred that they want to work together with the neighbors to have a community that everyone can live in; including the individuals in the community with special needs. She stated that as family members, they were given a choice to choose a care provider; knowing that Agnews would be closing. They chose Vast Horizons following extensive research, and that they trust this organization in their intentions/integrity to met their needs. She will be visiting her brother who will be residing in one of the group homes as co conservator.

Jonnie Pepper concurred with the comments as expressed by Mr. O'Hare and Ms. Edgar. She indicated that her son has resided in Agnews for over 30 years. She stated that her son requires 24-hour care as he is confined to a wheel chair, cannot speak, and needs daily care. She felt that her son would make a sweet neighbor, no matter what community he resides. It was her hope that he would be welcomed with open arms just like she accepts her neighbors with open arms. They look forward to meeting the neighbors, and that it is her hope that everyone can be good neighbors. As a parent, she has been involved in the Agnews closing process. She also knows a lot about Vast Horizons, and the process that the Regional Centers have gone through. As a parent who is concerned with what will be happening, she has every confidence that all of the proper procedures will be in place, and that her son's needs will be met; living in a safe environment that will provide for him.

Brian Boxall informed the Council that he has a brother residing at Agnews and that he was the president of the Association for the Mentally Retarded at Agnews, the family advocacy organization for the clients at Agnews. He felt that families of the disabled are caught in the middle as they never wanted Agnews to close. This is a decision families are being forced to live with. He did not believe families were adequately involved in the site selection process. They were not told about the home locations until March 2007; noting that this has been a process that has been taking place for over a year. He said that individuals with disabilities and their families want to be good neighbors. He does not want the State to impose their loved ones into a community where they would not be welcomed. He indicated that he has been impressed with the questions being asked by the Council; noting that this is a difficult issue. He thanked the Council for taking the time and energy to understand this issue.

Virginia Grant stated that she is a family member of someone with a developmental disability, and a homeowner in Morgan Hill. She is also the Executive Director of the Area Developmental Disability Board, a state agency mandated by the Lanterman Act to advocate and protect the legal, civil and service rights of individuals with developmental disabilities. She said that the community will not wake up to find that the nine individuals who will reside in the two homes will turn into 47 individuals. Should this occur, the agency would lose their exemption of 6 or fewer group home license. She stated that it is not their philosophy to take individuals out of institutions and place them in an institution in a community. She noted that these will be the developmentally disabled individuals' homes for life. She clarified that these individuals are not transient individuals in an alcohol or recovery program. She indicated that these are high quality homes, and that there will be extensive monitoring. She said that Regional Center monitors compliance with all laws and regulations associated with the individual plans, and have quality assurance monitoring. The Area Board also conducts quality assurance monitoring. One of the major reasons they would like to place individuals in a community like Morgan Hill is because one of the aspects of monitoring are the caring eyes and ears of the community for loved ones.

Ms. Grant felt that there may have been some confusion by calling this an SB 962 pilot project. She said that the state is trying to ask the question of whether these homes should be replicated throughout the state, and whether there is a need to make changes to the process. She was certain that these homes would remain. Their names may change, they may no longer be SB 962 homes, and/or have a different funding methodology in the future. However, the fact remains that these homes are owned by a non profit agency who has the responsibility of providing homes for the developmentally disabled individuals for the maximum extent of their lives; receiving adequate services as they are not transient and will not disappear.

Cindy Geeon, Taylor Avenue resident and a parent of a child within the autism spectrum, stated that she shares a lot of the concerns and empathy expressed by the group home advocates. She assured the Council that the neighbors on Taylor Avenue are inclusive individuals as they welcomed her child and her family, and that they are good neighbors. She said that she and her husband have struggled with the site selection criteria process as it does not make sense to them. She did not believe that you call a document a checklist, and you do not quantify the answers to equal the results if something is subjective. She expressed concern that the group homes may not be a good fit for the developmentally disabled. She indicated that she purchased her home 10 years ago before she had her child; before there was an increase in traffic. She stated that she would not choose to reside in this neighborhood in the situation she is in at this time. She felt that all the risks have been identified. It was her hope that the individuals will be able to get out, get fresh air and go for walks. She noted that the area is not a safe place to go for walks due to the speed of traffic on Monterey Road, with speeds going up as high as 70 mph. She noted that the area has a salvage yard and a tow truck company. She did not believe there was a lot of integrity around the site selection process, expressed concern about the consumers, and with the fact that families would trust the document for their family members to be placed in the group homes.

Darcy McCann, San Andreas Board Member, informed the Council that she has resided in her own apartment since she was 18 years old. She is completing her college degree, and works for the County of Santa Clara as a suicide and crises counselor. She stated that just because you have a developmental disability does not mean you cannot live in a community. She indicated that San Francisco 49er football players reside in her apartment complex, and that no one has a problem with her being a good or bad neighbor. She said that she has visited Agnews and that these individuals are wonderful people. She felt that the disabled should be given a right to reside in their own home.

Kathy Sullivan stated that it was unfortunate that the area residents had to come to a city council meeting to be able to get information, some of the answers, and to see some of the people aside from those individuals who are on the business side of the group homes. She clarified that the issue is not about the residents, and assured those in attendance that they would be included in the community and welcomed. The concern is with the process and the fact that the residents were excluded from being able to provide input. She felt that it was overpowering to have this volume of activity in one neighborhood. It is understood that the residents will not make group homes go away, but that it was their hope that they can affect change in the future to some of the processes, and eliminate/avoid the exclusion they felt. She stated that the residents have not received honest answers, and that it goes back to the checklist. If there is a required criteria, she did not know what type of evaluation the state would give the group homes when the group homes come up for renewal.

No further comments were offered.

Council Member Sellers stated that Council members are aware of the City's limitation. He felt that there are a couple of areas that can be looked upon to improve; one of which is communication. He said that there should have been better communication within the entire process in terms of the location and the needs of the group homes; particularly with the closure of Agnews. It was his hope that there has been a conveyance that this community is supportive and welcoming of developmentally disabled individuals into the community, just as others are welcomed. He felt that there is anxiety as this is a new

process everyone is going through. He encouraged the following in order to accommodate communication: 1) an open house be held, welcoming the new residents. 2) Vast Horizon and/or San Andreas to report back to the Council after a year, regardless of how things are going. Doing so would give the Council the ability to ask questions, and the neighbors to have issues addressed. 3) Work with the City's legislators to talk about the City's experience in terms of working together to improve the process. He indicated that the Council has spent a lot of time talking to the City's legislator and assembly member, as well as their staff. As this is a new process, everyone is trying to feel their way through the process. He did not believe it was the City's role to direct individuals in this specific neighborhood/area, but to help identify items early on that may be of concern. It was his hope that everyone can work together to help mitigate some of the concerns raised. He indicated that he learned a lot this evening, going through this process (e.g., types of disabilities, levels of monitoring, levels of involvement from the parents as well as service providers).

Council Member Grzan stated that the Council is limited, as a city, to what it can do. He said that the City can monitor the ordinances in place to make sure the facility is adequate, sufficient parking is provided, and that safety precautions are in place. He agreed to the recommendation of working with the State legislators. He felt that the checklist form used may have caused more problems than answered questions. Working on the form might help alleviate future problems. He understood that the site selection form may have been used as a tool among other tools to arrive at a decision, and that it may not have been the single/most important tool used. He agreed that communication is important and applauded the agency for releasing the form to the Council. He welcomed the agencies, and the good work they will do in Morgan Hill. He stated that a family member of a resident in Morgan Hill tells him that this facility will benefit the community in a special way. He felt that having a close proximity to family members is important to the care of individuals. He looks forward to the group homes in Morgan Hill, but he also empathizes with the concerns of the neighbors in this regard. He said that everyone will be watching the group homes; wishing the agencies success.

Council Member Lee thanked everyone from the different agencies for being in attendance this evening to explain more about the group homes. She also thanked the Ginger and Taylor Avenue neighbors who were in attendance to explain their side. She agreed that part of the issue is the communication aspect. It was her belief that the residents were told that a group home was to be located in their neighborhood and that this had a certain connotation in their mind; a fear of the unknown. It was her belief that as the neighborhood learned more about the type of residents who will reside in the group homes, it alleviated some of their concerns. However, this is a concern about the type of facilities and amenities that are necessary for the residents of the group homes as identified in the site selection form. She did not believe that anyone in Morgan Hill has an issue with residents coming to live in the city. It was her belief the issue is that of finding a location that will allow the residents to get out, walk around, and visit parks and neighborhoods. She acknowledged that the Taylor/Ginger Way area is a nice neighborhood; however, once you leave the cul de sac area, you have Peebles and Monterey Road. She did not know if having these streets adjacent to the group homes would be conducive to having residents with developmental disabilities walking around due to traffic. She stated that Morgan Hill is a diverse community and that the agencies may not have known what type of homes were available at the time they were searching for homes. She felt that there were better areas in Morgan Hill that can accommodate the developmentally disabled better than this area. She did not believe that the neighbors

have issues with the developmentally disabled residents that will come into the neighborhood. The concern is for their safety, well being, and amenities are made available to the developmentally disabled.

Mayor Pro Tempore Carr also thanked the neighbors for taking the time to research the issue. He appreciated the information forwarded to him from the residents. He also thanked the family members who took the time to come before the Council to speak and learn more about what life is like as a family member/caregiver. He also thanked Mr. Rogers, Ms. Richey and Mr. Dodds for responding to questions. He stated that he has learned a lot about what is being proposed in the plan for the closure of Agnews. He also learned about the clientele to be served, and what it can mean/bring to the community. It was his belief that there was fear when it was discovered that these group homes were being located in the neighborhood. It may be that the use got off on the wrong foot and that it may take some time to heal. However, he was confident that the agencies are ready to come to the table and take on this task. He heard great suggestions on how to improve communications; including the request to have the agencies return to the Council, in the future, for a check in. He said that the Council has heard repeatedly the concern about traffic and parking (safety issues). He was confident that the agencies would address the issues in a sound way that will satisfy the City and appease the neighborhood. He was struck by the comments made by Mr. Boxall about not wanting loved ones imposed by the State into a neighborhood that is not welcoming. It was his hope that there is not a single neighborhood like this in Morgan Hill. He trusts that Morgan Hill will step up to the plate and make sure that this is not the case so that people such as Mr. Boxall's brother would choose to come to Morgan Hill to live in a residential care facility, feel welcomed, and know that they will be a valuable part of the community. He felt that the agencies will have a lot of work to do to mend fences, and that the agencies have heard this loud and clear this evening.

Mayor Tate stated that he concurred with the comments expressed by his colleagues. He felt that there are serious problems with having a plan that almost reads like a legal document that states that there will be a strict site selection criteria; only to hear that it is totally subjective, and the form does not mean a thing. He indicated that there are process issues the Council has no control over, but felt that these should be looked into as they are misleading. He did not believe the City stepped up to help in the communication process. He acknowledged the City does not have a role because it is preempted by the State from doing anything except to regulate the group homes as residential homes. He recommended the Council undertake discussion on the role it can play to help solve the communication problem. He noted the City was able to have the representatives from the agencies and the State in attendance this evening, and that the Council was able to facilitate the communication process that he hopes will continue. He supports the recommendation of having the agencies return to the Council in a year with a status report. Further, that the Council focus on this issue as it moves forward to determine its role in the situation where the City is preempted; noting that productive discussions were undertaken this evening.

City Attorney Kern clarified that the Council does not have the right to require the State or the Bay Area group to return with a report. However, the City can request that the agency(ies) return with a report and that it(they) can voluntarily agree to return to the Council. Although she understands all of the concerns addressed with the site selection criteria form, it is not in the Council's prerogative to be able to substitute its judgment of the homes. It is also not within the Council's prerogative to second guess the location of the group homes. However, should there be parking problems or other issues where the City

has authority, it is within the Council's prerogative to address these. She understands the Council is making the point that facilitation of communication is good; however, the agency does not have to advise the City ahead of time, or notify the neighbors because this would be a discriminatory act. She stated that group homes are to be treated as single family residences, and that there is no requirement that there be notice given to a neighborhood beforehand. Agencies do not need to inform the Council about the group homes, or allow the Council to provide input on the site selection process. In some instances, the City can address over concentration issues from the type of group homes being proposed.

City Attorney Kern noted that there are different types of facilities, each having different types of rules and regulations. The homes being addressed this evening are heavily regulated and are not subject to flexibility on behalf of the City.

Council Member Lee said that while the Council understands there is nothing the City can do, it would be incumbent upon the City to continue to work with its legislators to push for more oversight; depending on what criteria is set forth. She felt that there were a lot of issues related to a subjective criteria. In order to alleviate some of the problems seen in this situation, she recommended there be an oversight in reviewing the form so that what is contained on the form is correct information.

Mayor Tate stated that Assembly Member Laird indicated that he was going to include a statement regarding oversight in a letter he would be writing.

Council Member Lee felt that it would be incumbent upon the Council to ask that Morgan Hill's Assembly Member and State Senator enforce the oversight as there will be a lot of group homes that will be established. She would like to make sure that the location selected is one that provides the best living environment, and that the agencies follow the criteria that is set forth.

Council Member Sellers felt that the City Attorney's comments were well taken. He felt that the process the Council and the residents have gone through is a case study, and that it was his hope that everyone can learn from it. Although there is not a requirement to be more collaborative in the approach, he felt that there may be some upsides to doing so; understanding that there is no requirement to receive city approval. He felt that having good communication would be important and that there is not an aversion to locating the group facilities within the community. He recommended the City try to figure out a new way to approach good communication in order to deal with logistical issues.

**Action:** *Council Member Sellers made a motion, seconded by Council Member Lee, to: 1) **request/encourage** Vast Horizon to hold an open house once the facilities are open to allow the neighbors to welcome the new residents into the community; 2) **request** that San Andreas Regional Center and/or Vast Horizon return to the Council after a year to report what their experience has been, and to provide an opportunity for the neighbors to return to the Council as well; and 3) **Mayor/staff to work** with the City's legislators (Senator Maldonado, and Assembly Member Laird) to inform them of the City's experience and to provide them with an opportunity to improve the process.*

Council Member Grzan noted that the City Attorney addressed discrimination. Should the City get into a regulatory attempt, it would be easy for the agencies and family members of the developmentally disabled to view this as a discriminatory process. He recommended the City be careful on how it attempts to regulate. He noted that this item is at the State level, and that it would be his preference that it be dealt with at the state level with the City doing its best to help residents understand and integrate this type of living situation in the community.

Mayor Tate did not believe the intent of the motion was to impose an action.

Council Member Lee felt that the intent of the motion was to look into the oversight, and to make sure that if a criteria is laid out, that it is monitored/followed up to make sure it is appropriate. She expressed concern that there is information contained on paper and that in reality, it is something different. She did not want to get into a situation where the City is obviously discriminating against any individuals, and did not believe this is what is being discussed. She inquired whether Council Member Sellers was suggesting formalizing a letter/document to the City's legislators.

Council Member Sellers responded that it was his belief that the City's legislators were moving forward with some items. He was requesting that the Mayor continue to take the lead; working with staff to make sure that this is done.

Council Member Lee said that it was her understanding that Assembly Member Laird was working on something; perhaps formalizing the City's concerns into a letter that would express the Council's concerns with regard to what is taking place.

Council Member Grzan stated that he would support having the Mayor follow up with comments about the City's experience; however, he would not support taking a position in a formal action. He felt that a formal letter may be perceived in a wrong fashion by a number of individuals in the community and at the State level. He stated that he would prefer the Mayor take an informal approach in his communications with Assembly Member Laird about the City's experience. He would not want to formalize any statement on this issue based on its sensitivity and how it can be perceived. He felt that even in the best intent, a formal letter could do the City more harm than good.

Council Member Sellers clarified that he was not suggesting a letter be sent to the City's legislators condemning the process, but to point out what has occurred in Morgan Hill. Also, that a request be made for responses to questions raised by the residents.

Mayor Tate recommended the City receive a copy of the letter that Assembly Member Laird will be sending to the neighbors, and to evaluate the letter to determine whether anything would be required in terms of requesting a response from the City. He stated that he would not send written correspondence without Council approval.

Mayor Pro Tempore Carr said that he understood from City Manager Tewes that Assembly Member Laird's chief of staff would be asking about the site selection process. He agreed that the Council needs to wait to see what the Assemblyman's letter states. Had there been a more formalized process, it would



have been easier for the agencies involved in the site selection process as well. It would also be easier for the neighbors and council members to understand the process. He sees the implementation of a formalized process as a clear improvement, and that it was his hope that this would be what the Council hears back from Assembly Member Laird.

In response to Council Member Lee's question, City Manager Tewes stated that he did not know when Assembly Member Laird would be sending letters. He informed the Council that Assembly Member Laird is chair of the Budget Committee who has already held oversight hearings on these issues. Assembly Member Laird has held informal conversations with the director, and that it was his belief that there will be a timely response.

**Vote:**            *The motion carried 4-1 with Council Member Grzan voting no.*

**17.    SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PRESENTATION – OPERATIONS & BUDGET**

Ann Carey, Executive Assistant to the General Manager of the Santa Clara Valley Transportation Authority (VTA), indicated that the VTA General Manager believes it is important to reach out and tell its clients what it is doing and to build partnerships. It was her belief that the Community Bus proposal for Morgan Hill is a prime example of such a partnership. She indicated that VTA is a 12-member board and that Morgan Hill is represented by Council Member Sellers with Council Member Lee serving on VTA's Policy Advisory Committee. She presented a PowerPoint presentation on the background, activities and services provided by VTA. She indicated that despite the signs of an economic recovery, VTA faces significant challenges; financially and operationally. VTA relies on one revenue source, the sales tax for operating and capital funds, and is impacted with the downturn in sales tax. She informed the Council that the fare box recovery ratio is only 14%. This translates to 14% being collected at the fare box for every dollar of operating costs, and that VTA needs to make up the remaining funding from other sources.

Operationally, Ms. Carey stated that VTA has a route system that is vastly underutilized, and that bus ridership is 50% below the levels achieved at the height of the dot com. She stated that VTA sees some return in ridership, but not near the level of ridership seen before. She informed the Council that a short term goal is to increase ridership as this would help alleviate traffic congestion. She addressed a couple of initiatives, the budget, the organizational/financial assessment, and the comprehensive operations analysis. She said that VTA is trying to implement an industry best practice of internal review with a scope of looking at the overall organizational structure, business areas, financial performances, and specific program areas. She informed the Council that the findings of the report fall into three categories: governance, organizational structure, and financial management. It was the finding, of the consultants, in the governance area, that the VTA Board lost its regional perspective and that it needs to focus on its policy role and fiduciary responsibility; running VTA like a business. Recommendations were made for board training, visioning, and to form an audit committee to provide oversight and independence in the financial oversight of the operation.

Ms. Carey informed the Council that organizationally, the study indicates that VTA can use some structural realignment to focus more on core businesses, transportation services, improving communications, and coordinating activities in order to deliver more affectively the comprehensive transportation plan and solutions for the County. With regard to financial management, the study recommended that VTA improve the quality of information presented to decision makers, and to explore broadening its funding base. She stated that VTA takes the recommendations seriously, and that the Board has advised staff to move forward with the recommendations.

Ms. Carey informed the Council that the second initiative is the biennial budget. She indicated that VTA's budget is comprehensive in covering the three service areas: transit operations, congestion management, and capital programs. The biennial budget will be considered by the Board in June 2007. She said that VTA has a ½ cent sales tax that is dedicated to transit operations. She stated that approximately 78% of the operating budget comes from the sales tax, and that this is where VTA has its vulnerabilities.

Ms. Carey addressed the operating expense side by stating that like many service organizations, the vast majority of VTA's operating costs are labor related. This equates to approximately 72% of the operating costs going toward labor. She said that VTA is restoring funding for some vehicle maintenance, and deferred infrastructure projects in order to keep the system in a good state of repair. She informed the Council that VTA is proposing a new community bus fare structure of \$1 per adult and 50 cents for seniors, disabled and youth. VTA will be reducing the monthly youth and senior disabled pass prices as well as day passes in order to get the riders back on the bus and become regular riders. She indicated that the local routes are proposed to be converted into community buses, but that there would not be much change in the route structure.

Ms. Carey identified the new goals Michael Burns, VTA General Manager, set for VTA in 2005. She felt that the goals address the challenges she mentioned earlier. She requested Council comments.

Council Member Grzan inquired whether there was a way for Morgan Hill's high school students to get to the new youth center the City just opened on Edmundson Avenue on the revised schedule.

Council Member Sellers responded that originally, the route ended up on Monterey Road and Edmundson Avenue. The bus was not stopping directly in front of the center because it was believed the bus could not turn around. He informed the Council that City staff worked with VTA to address how the bus can turn around. As this problem has been solved, VTA will stop in front of the Centennial Recreation Center. He felt that it would be important to give the students, at the two high schools, a way to get to the Centennial Recreation Center after school.

Ms. Carey pointed out that VTA does not offer a school bus service, and that the transport of school children is heavily regulated. However, they can get on a bus and travel to the Centennial Recreation Center.

Council Member Grzan felt that it would be good to get the word out that there is a public transportation route to the recreation center after school and the location of the bus stops. He recommended that flyers be distributed to all students to market the bus route to the recreation center.

Ms. Carey informed the Council that the community bus program is proposed to go into service on July 2 in Morgan Hill and Gilroy. VTA is moving forward with a campaign in order to inform individuals in the community about the changes. She indicated that during the summer months, VTA offers the Blast Pass, an instrument that allows youths to buy a three month pass at a greater discount, and that this pass is being well advertised. The Blast Pass can go hand in hand in getting youth on the bus and using it.

Council Member Grzan recommended that VTA look into entrepreneurial opportunities; looking at the resources VTA has. He did not understand why VTA is not offering charter bus services to help off-site costs.

Ms. Carey responded that charter bus service is a regulatory and competition issue. She said that there are limits to what VTA can do in competing in these areas.

Council Member Lee recommended that recreation center staff inform the youth of the upcoming bus service (promotional opportunities).

**Action:**        *The City Council **Received** the Presentation; **Informational Only**.*

## **18.    COUNCIL COMMITTEES AND WORKPLANS**

Mayor Pro Tempore Carr indicated that this item stems from the goal of the Ad Hoc Committee, consisting of the Mayor and Mayor Pro Tempore, in reviewing Council committee workplans as well as the Commissions' workplans. As the Ad Hoc Committee started to review the workplans, it started to struggle with the Council Committee workplans as there was no consistency between them. He indicated that staff tried to put the workplans in a format that was consistent, but consistencies did not exist. In consultation with the City Manager, the Ad Hoc Committee felt there needed to be a discussion about what the Council believes the role of the Committees should be so that the workplans can be viewed through this lens.

Mayor Tate stated that the Ad Hoc Committee included in the staff report the City Manager's original suggestion of what the composition of the committees should be. He noted that this does not address the goals and objectives of having the committees. However, there is an implied statement that the committees are functioning in order to make the Council more efficient. He wanted to know what the committees are doing to facilitate Council decisions and making sure that items are streamlined, as much as possible, within the committee structure. This would relieve the Council from being overburdened. However, he did not believe the committees are making decisions for the Council or directing staff on its own behalf. He felt that this may be implied, but that it may need to be more specifically stated. He noted that Assistant to the City Manager Stott put together a list of guidelines of what the committees should/should not be doing.

Mayor Pro Tempore Carr suggested the Council focus on what the committees should and should not be doing.

Council Member Sellers said that he reviewed the list of does and don'ts put together by Assistant to the City Manager Stott. He felt that these were good guidelines for the Council to keep in mind because, on occasion, the Committees go astray; indicating that he tries to apply these to the committees he serves on. He recommended that staff be encouraged to work with the Committees to make sure they stay within the guidelines as they move forward.

Council Member Grzan indicated that the committee processes is problematic from a number of different perspectives. Committees are not easy, or follow a straight line. It is being stated that committees should work on items assigned by the full City Council. However, he noted that there are items that come through a committee that do not come through the Council. Items are identified in committee discussions, from public members or other means. The committee may take an interest in an item, and that it may take an interest in looking to explore the item before bringing the item to the full Council. He felt that items can come from the bottom up; indicating that this happens in a committee process. It was his belief the committee structure will have information flow down as well as flow up. What needs to be worked out is communication. He agreed not to commit to anything or make decisions. However, as the Council evaluates all the different options or choices, the committee may be able to narrow down the recommendations to one or two items. In doing so, the committee made a decision on what it is recommending to the Council. The committee may get into trouble by not sharing/communicating with the Council the number of items studied and only recommending one item.

Council Member Sellers stated that the Community & Economic Development Committee has more regular outside attendees such as members from the Chamber of Commerce and/or Downtown Association. He noted that the Committee requested that they be allowed to address issues brought forth; returning to the Council at some point. If something comes up at the committee level, it was his belief the committee is obligated to return to the Council to request that they be allowed to study the issue. He did not recommend a committee return to the Council recommending that the Council take action when the Council did not authorize committee work. It was his belief that initiatives should always come back to the Council.

Mayor Tate said that the Ad Hoc Committee recommends the formulation of policies such that committees are to work on items assigned by the full City Council. He recommended that the Council decide whether items will be generated from the bottom up. Also, to be discussed is when an item is it to be brought to the Council in order to receive authority to work on an item.

Council Member Grzan stated that he is not a staff member, but represents the community. Should he see an item that might be an advantage to the community, he indicated that he would explore the item. The exploration may be via the committee process or outside the committee process. As an elected official, he reports to his constituents, not to the Council.

Mayor Tate agreed that Council members report to their constituents outside the committee process, but felt the Council needs to be in agreement on committee processes, and what the committee works on.

Council Member Grzan felt that a committee process works, but may not work at times. He felt that there are more benefits to having a committee process than not having one.

Mayor Pro Tempore Carr inquired as to how items get placed on a committee's agenda.

Council Member Grzan responded that there are certain items that are placed on the agenda that are a given on the Utilities & Environment Committee such as cell towers, etc. He said that the Committee also reviewed community aggregation, and that there may be other items that might come forward to the Council in the course of the year. He felt that in most cases, committees will be in alignment with the review of items referred to them by the Council. However, during the discussions, something may surface that will be pursued that is within the realm of the Committee's charge. When issues get to be so big, such as the issue of public safety, he felt that these should be brought straight to the full Council in order to receive information, and to be able to ask questions during the course of the meeting.

Mayor Pro Tempore Carr said that the role the Public Safety & Community Services Committee played was one that considered the policy information that would be needed by the Council in order to make decisions on public safety. He noted that the Committee returned to the Council with a set of recommendations. It was his hope that this was the type of input/information necessary for the entire Council in order to be able to make a policy decision. He said that his Committee is looking at a study that they will be conducted, on a regular basis, relating to sewer and water rates. While the Council did not specifically charge the Committee to review these rates, this is a study that takes place on a regular basis, and that the Committee will return to the Council with policy recommendations on a regular basis.

Council Member Grzan noted that a committee reviewed various policy recommendations as opposed to studying a problem that surfaced; returning to the Council with options in dealing with the problem in a suggested workshop.

Mayor Tate noted that items are assigned to committees in three different ways: 1) through the Council's approved workplan; 2) referred to a committee by the Council through a work session or on the Dais; or 3) the Committee identifies an item that it should take on. It was his opinion that the Committee should return to the Council, inform the Council that they identified an item, and ask if this is something the Council wants the committee to work on. It was his understanding that Council Member Grzan was suggesting that the committees should have the right to work on an item.

Council Member Grzan clarified that without assuming any staff time or any costs, a committee should be allowed to flush out/work on an item on their own with the assistance of residents, or with PG&E staff on the aggregation item. A committee should be allowed to do so; including receiving information without over extending the assistance of staff and/or resources.

Council Member Lee inquired as to the reason this item was agendized.

Mayor Tate responded that the workplans reviewed by he and Mayor Pro Tempore Carr were not consistent. There was thought given to how the workplans could be made consistent. A question was then raised as to why the Council has committees. If you look at the Community & Economic Development Committee, the desired outcome was to implement programs to reflect a strategy. He takes this Committee's recommendation to implement items; not to recommend items to the Council. The recommended outcomes were not at a Council policy level. When you look at the Utilities &

Environment Committee, the Committee identified separate steps to be taken such as conducting research and/or the development of a draft environmental agenda; presenting the recommended environmental agenda to the Council. He felt that this workplan may be too detailed in terms of an approach.

Mayor Pro Tempore Carr said that some of the workplans contained items that the Ad Hoc Committee was not sure how they ended up in the workplan as they were not Council directed items.

Council Member Sellers clarified that the Community & Economic Development Committee was implying, in its workplan, to go back and forth to the Council. He felt that it was important that the steps are spelled out. He noted that the biggest challenge is understanding the difference between the role as a council member and your role on the city council. He said that when you transgress these lines, the implications can be significant. He noted that the former Mayor of San Jose is under indictment because he crossed these lines; taking actions on his own without getting back to the city council. He said that council members need to remember that it cannot transgress too far or go too far a field based on legal issues as well as the function of the organization in getting back to each other. He felt that council members are all on the same page as far as getting back in touch with each other. He would be willing to go back and amend his committee's workplan to more clearly state this fact.

Mayor Tate inquired whether the Council should agree with the "should" and "should not" as outlined.

Council Member Sellers concurred with the "should" and "should not" as outlined.

**Action:**        *No formal action taken on this item.*

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS**

Council Member Grzan inquired as to the status of the Math Institute Golf Course and their report on the mitigation efforts that was supposed to return to the Council in April or May 2007.

City Manager Tewes informed the Council that the Math Institute submitted an application for the site, development and grading plan in April 2007, as directed. He indicated that the City's environmental consultant is evaluating the application against the requirements contained in the environmental impact report and the mitigation monitoring report. He stated that staff anticipates a hearing before the City Council within the next 30-60 days.

Council Member Grzan stated that he was intrigued with the response received from the City of San Jose regarding the City's air monitoring request for the Metcalf Energy Center. It was his belief that the City of San Jose's response was that they would do something at the towers. He requested that this be brought back for further discussion.

**ADJOURNMENT**

There being no further business, Mayor/Chairman Tate adjourned the meeting at 10:19 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**